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09/491,467	01/26/2000	Yoshifumi Sakamoto	13178(JA998-139)	8561

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EXAMINER

MA, JOHNNY

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/491,467

Applicant(s)

SAKAMOTO ET AL.

Examiner

Johnny Ma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: "In 12" (page 5, line 20) should read "In Fig. 12," "the image 76" (page 6, line 18) should read "the program image 76," and "the panel" (page 14, line 2) should read "the touch panel."

Appropriate correction is required.

2. The abstract of the disclosure is objected to because the submitted abstract is not limited to a single paragraph. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. (US 6,130,726).

As to claim 1, a digital broadcast receiver having a transmitting means for transmitting electronic program guide (EPG) data contained in a received digital broadcast data; and a program display and selecting apparatus having a receiving means for receiving the EPG data transmitted from said digital broadcast receiver. The Darbee et al. reference discloses a remote control unit with an IR or RF communication link to an associated set-top box (8:48-52) where

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the remote control unit includes an IR or RF transmitting and receiving circuits (7:10,18-21).

The Darbee et al. reference also discloses that a program guide and advertising data signal may be combined with television channel signals on a coaxial cable to form a composite signal where the composite signal may be broadcast by a content provider, such as a cable company or satellite network, and delivered to a set-top box (8:58-66). However the Darbee et al. reference does not specifically disclose a digital broadcast receiving set-top box transmitting electronic program guide data in a received digital broadcast data. However, this is not considered a patentable distinction. The examiner gives Official Notice that it is notoriously well known in the art of video distribution to transmit electronic program guide data in a digital broadcast and recover the electronic program guide information in a set-top box. Digital broadcast data is an established protocol that accordingly allows the transmission of electronic program guide information with video data. The examiner submits, therefore, that it would have been clearly obvious to one of ordinary skill in the art at the time the invention was made to modify the Darbee et al. reference set-top box to receive digital broadcast data as it would provide the electronic program guide data to said set-top box.

As to claim 2, wherein said program display and selecting apparatus comprises a displaying means for displaying the received EPG data. The Darbee et al. reference discloses that the program guide is operated on a small 5-line by 20-character LCD screen or display that is provided on the remote control unit, which satisfies the claimed EPG data displaying means.

As to claim 3, wherein said digital broadcast receiver periodically transmits EPG data. The Darbee et al. reference discloses that it may be desirable to transmit blocks of program guide

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data to the remote control unit over additional intervals or, possibly, at random times (9:14-16), which satisfies the claimed periodic transmission of EPG data.

As to claim 4, wherein said program display and selecting apparatus comprises an operation means for operating said digital broadcast receiver. The Darbee et al. reference discloses a program executed by the microprocessor enables the remote control unit to perform conventional operations including, for example, ON, OFF, Volume up or Down and Channel Up or Down functions (7:43-49), which satisfies the claimed operation means for operating said digital broadcast receiver. Note, it is understood that the remote control disclosed in the Darbee et al. reference has a communication link to the set-top box (8:50-52) and thus remote control commands are directed toward the operation of said set-top box.

As to claim 5, wherein said program display and selecting apparatus comprises a transmitting means for transmitting operation information inputted into said operation means to said digital broadcast receiver; and said digital receiver comprises a receiving means for receiving the operational information transmitted from said program display and selecting apparatus. The Darbee et al. reference discloses a communication link between a remote control unit and an associated set-top box (8:50-52). The Darbee et al. reference also discloses a remote control unit including IR transmitting and receiving circuits (7:10). The Darbee et al. reference does not specifically disclose a receiver comprising a receiving means for receiving the operation information transmitted from said program display and selecting apparatus but it is nonetheless inherent in the device for the purpose of establish a communication link between a remote control and set-top box.

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As to claim 7, wherein said operation means selects a program to be monitored. The Darbee et al. reference discloses that if a program depicted on the display 14 of the remote control unit 10 is highlighted, one need only depress the EZ NAV key 20 to select that channel for viewing on an associated television set (11:8-11, also see Figure 1 and 8), which satisfies the claimed operation means selects a program to be monitored.

As to claim 8, a digital broadcast receiver comprising a transmitting means for transmitting EPG data contained in a received digital broadcast data, see rejection of claim 1.

As to claim 9, wherein said EPG data is transmitted periodically. The Darbee et al. reference discloses that it may be desirable to transmit blocks of program guide data to the remote control unit over additional intervals or, possibly, at random times (9:14-16), which satisfies the claimed periodic transmission of EPG data.

As to claim 10, a receiving means from receiving EPG data transmitted from the digital broadcast receiver as claimed in claim 8. See rejection of claim 1.

As to claim 11, a display means for displaying said received EPG data. The Darbee et al. reference discloses that the program guide is operated on a small 5-line by 20-character LCD screen or display that is provided on the remote control unit, which satisfies the claimed EPG data displaying means.

As to claim 12, an operation means for operating said digital broadcast receiver. The Darbee et al. reference discloses a program executed by the microprocessor enables the remote control unit to perform conventional operations including, for example, ON, OFF, Volume up or Down and Channel Up or Down functions (7:43-49), which satisfies the claimed operation means for operating said digital broadcast receiver. Note, it is understood that the remote control

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disclosed in the Darbee et al. reference has a communication link to the set-top box (8:50-52) and thus remote control commands are directed toward the operation of said set-top box.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. (US 6,130,726) in further view of Huang et al. (US 6,437,836). The Darbee et al. reference discloses all the limitations of claim 4. However the Darbee et al. reference does not disclose wherein said operation means comprises a touch panel. The Huang et al. reference discloses operation means comprises a touch panel where an electronic program guide is seamlessly integrated with the remote: clicking on a program will allow one to immediately change to that program (Huang et al. 5:26-28, also see Figure 1A). Therefore, it would have been clearly obvious to one of ordinary skill in the art at the time the invention to modify the Darbee et al. remote control with the Huang et al. remote control system to provide specialized functionality and features by dynamically constructing the user's remote control buttons on a graphical touch screen (Huang et al. 4:23-27).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 6:00 pm (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5399 for regular communications and (703) 308-5399 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

jm  
October 11, 2002



JOHN MILLER  
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